

MONTANA LEGISLATIVE HISTORY

BEST COPY
AVAILABLEChapter 49 19 87Bill H 41 S _____ Original bill & history CH. Committee on Business + LaborHearing Date(s) Jan 02 ☒ C

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_____ C

Date Out Jan 02 ☒ CS. Committee on Business + IndustryHearing Date(s) Feb 06 ☒ C

_____ C

_____ C

_____ C

Feb 06 ☒ CDid this bill originate in an interim committee? Yes No

Committee _____

Report _____

HOUSE FINAL STATUS

5/01 TRANSMITTED TO GOVERNOR
 5/15 SIGNED BY GOVERNOR
 CHAPTER NUMBER 658 EFFECTIVE DATE: 7/01/87

-3 40 INTRODUCED BY GLASER
 ESTABLISH A 100 PERCENT MONTANA LIMITED BLENDED GRAIN
 MARKETING PROGRAM
 BY REQUEST OF JOINT INTERIM SUBCOMMITTEE ON
 AGRICULTURAL PROBLEMS

1/05 INTRODUCED
 1/05 REFERRED TO AGRICULTURE, LIVESTOCK &
 IRRIGATION
 1/05 FISCAL NOTE REQUESTED
 1/07 HEARING
 1/07 FISCAL NOTE RECEIVED
 1/10 COMMITTEE REPORT--BILL PASSED AS AMENDED
 1/13 REVISED FISCAL NOTE REQUESTED
 1/19 REVISED FISCAL NOTE RECEIVED
 1/20 2ND READING PASSED 78 17
 1/20 REREFERRED TO APPROPRIATIONS
 1/29 HEARING
 2/21 HEARING
 2/21 TABLED IN COMMITTEE

-3 41 INTRODUCED BY WINSLOW
 CREATE MATURE DEFENSIVE DRIVING ACT; REDUCE PREMIUM
 RATES OVER AGE 55

1/05 INTRODUCED
 1/05 REFERRED TO BUSINESS & LABOR
 1/07 HEARING
 1/07 COMMITTEE REPORT--BILL PASSED AS AMENDED
 1/15 2ND READING PASSED AS AMENDED 90 8
 1/17 3RD READING PASSED 92 5

TRANSMITTED TO SENATE
 1/21 REFERRED TO BUSINESS & INDUSTRY
 2/06 HEARING
 2/11 COMMITTEE REPORT--BILL CONCURRED
 2/17 2ND READING CONCURRED 50 0
 2/19 3RD READING CONCURRED 50 0

RETURNED TO HOUSE
 2/23 SIGNED BY SPEAKER
 2/23 SIGNED BY PRESIDENT
 2/24 TRANSMITTED TO GOVERNOR
 2/25 SIGNED BY GOVERNOR
 CHAPTER NUMBER 49 EFFECTIVE DATE: 10/01/87

-3 42 INTRODUCED BY COBB
 CLARIFY LEGAL STANDARD GOVERNING LANDOWNER LIABILITY

1/05 INTRODUCED
 1/05 REFERRED TO JUDICIARY
 1/09 HEARING
 1/12 COMMITTEE REPORT--BILL PASSED AS AMENDED
 1/14 2ND READING PASSED 97 1
 1/15 3RD READING PASSED 97 1

TRANSMITTED TO SENATE
 1/15 REFERRED TO JUDICIARY

HOUSE BILL NO. 41
INTRODUCED BY WINSLOW

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ANY RATES, RATING SCHEDULES, OR RATING MANUALS FOR LIABILITY, BODILY INJURY, OR COLLISION COVERAGES OF A MOTOR VEHICLE INSURANCE POLICY FILED WITH THE INSURANCE DEPARTMENT MUST PROVIDE FOR AN APPROPRIATE REDUCTION IN PREMIUM RATES AS DETERMINED BY THE INDIVIDUAL INSURER FOR SUCH COVERAGES FOR A 3-YEAR 2-YEAR PERIOD AFTER SUCCESSFUL COMPLETION OF AN APPROVED HIGHWAY TRAFFIC SAFETY PROGRAM BY AN INSURED WHO IS 55 YEARS OF AGE OR OLDER; AND AMENDING SECTION 33-16-203, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [Sections 1 through 6] may be cited as the "Mature Defensive Driving Act".

NEW SECTION. Section 2. Requirement for rate reduction. (1) Any rates, rating schedules, or rating manuals for liability, bodily injury, or collision coverages of a motor vehicle insurance policy filed with the insurance department must provide for an APPROPRIATE PREMIUM REDUCTION AS DETERMINED BY THE INSURER appropriate ACTUARIALLY ~~JUSTIFIED--premium--reduction~~ for an insured operator of a

covered vehicle who is 55 years of age or older and who has successfully completed a highway traffic safety program as provided by 61-2-102 and 61-2-103.

(2) ~~Such-reduction~~ ANY DISCOUNT USED BY THE INSURER is presumed appropriate unless credible data demonstrates otherwise.

NEW SECTION. Section 3. Effective period of reduction. (1) The premium reduction required by [section 2] is effective for an insured for a 3-year 2-YEAR period after successful completion of the approved course.

(2) An insurer may require, as a condition of maintaining the discount, ~~that-the-insured~~ ANY OR ALL OF THE FOLLOWING:

(a) THAT THE INSURED not be involved in an accident in which he is at fault;

(b) THAT THE INSURED not be convicted of or plead guilty or nolo contendere to a moving traffic violation; or

(c) THAT THE INSURED not have forfeited bail or collateral for a moving traffic violation.

NEW SECTION. Section 4. Certificate. The organization offering the approved course shall issue a certificate to each person who successfully completes the course, which qualifies him for the premium discount required by [section 2].

NEW SECTION. Section 5. When discount not applicable.

The provisions of [section 2] do not apply if the approved course is taken as punishment specified by a court or other governmental entity for a moving traffic violation.

NEW SECTION. Section 6. Continued eligibility. Each person shall take an approved course every 3 2 years in order to continue to be eligible for the reduction in premium required by [section 2].

Section 7. Section 33-16-203, MCA, is amended to read:

"33-16-203. Rates filed. (1) Every insurer, rating organization, or advisory organization shall file with the commissioner all rates intended for use within this state, together with supporting data sufficient to substantiate such filing. The filing required by this subsection may be made by rating organizations on behalf of their members and subscribers; but this provision does not prohibit a member or subscriber from filing any such rates on its own behalf. Any deviations from a rating organization's rates by a member or subscriber must be filed with the commissioner and must be accompanied by supporting data.

(2) In accordance with [section 2], rates filed must provide for a premium reduction to qualified insured operators 55 years of age or older."

NEW SECTION. Section 8. Codification instruction. Sections 1 through 6 are intended to be codified as an integral part of Title 33, chapter 16, part 2, and the

provisions of Title 33, chapter 16, part 2, apply to sections 1 through 6.

NEW SECTION. Section 9. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

MINUTES OF THE MEETING
BUSINESS AND LABOR COMMITTEE
50TH LEGISLATIVE SESSION

The meeting of the Business and Labor Committee was called to order by Chairman Les Kitselman on January 7, 1987 at 8:00 a.m. in Room 312-F of the State Capitol.

ROLL CALL: All members were present.

HOUSE BILL NO. 41 - Create Mature Defensive Driving Act: Reduce Premium Rates Over Age 55, introduced by Representative Cal Winslow. Representative Winslow stated that HB 41 provides for discounts on insurance rates for those over 55 years of age that have successfully completed a traffic safety driving course, and states that the insurance company shall offer a discount for people completing the course, and recomplete the course on a three-year basis.

PROPOSERS

Bill Elliott, Training Officer, Highway Traffic Safety Division, Department of Justice. Mr. Elliott stated that the Highway Traffic Safety Division is willing to administer the portion of the bill that regulates the course. He said some courses are in place, such as the 55-Alive course and the Defensive Driving Course, which are both appropriate, so no fiscal note of any size would exist, and the only expense would be the writing of rules to regulate these courses.

Lois C. Shorey, State Coordinator for American Association of Retired Persons in the 55-Alive Mature Driving Program, Billings. Mrs. Shorey stated that she is speaking on behalf of all the senior drivers in the state which constitute 24% of the drivers. She stated this bill would require that any insurance company in Montana would grant a suitable discount to the older citizen who has taken the driving training course, and that many insurance companies now grant a discount to the senior driver which is built into their rates, but many companies are not writing policies for the older driver, and even cancelling their coverage. The senior citizens are requesting the same discount now granted to young drivers who take a drivers' education course. See Exhibit No. 1.

Colonel R. W. Landon, Montana Highway Patrol. Mrs. Shorey presented Colonel Landon's testimony in his absence. Mr. Landon's testimony stated that the senior drivers needed to drive in Montana because of the lack of public transportation. He stated that the older driver needed to attend a

course to learn how to cope with change, and it would benefit all Montanans by giving a financial incentive to the seniors to attend a safety driving training course. See Exhibit No. 2.

Tom Ryan, Golden Nugget Chapter, MSCA. Mrs. Shorey also presented Mr. Ryan's testimony in his absence. Mr. Ryan's testimony stated that the senior citizens believe that this bill is an opportunity and an incentive to become safer drivers, that it brings an opportunity for the state to improve the overall average driving performances of state drivers; offers seniors the opportunity to use their own resources to improve their own economic well being at no cost to the government, and that passage of this legislation would be the first step in mandating insurance coverage at reduced rates to them. See Exhibit No. 3.

Ladd Shorey, Area Field Coordinator, AARP, Billings. Mr. Shorey stated that with increased longevity for the elderly in the nation, the older population of Montana is expected to grow. He said that the older need to be kept abreast of changes, and they indicate a willingness to learn and to apply updated driving knowledge and skills by participating in the driver education courses. He felt that methods are needed for identifying incompetent drivers without penalizing others. See Exhibit No. 4.

Edward C. Buller, Assistant State Coordinator for Montana AARP, 55-Alive Mature Driving, Great Falls. He stated the group recommends the bill so older people that have taken the Traffic Safety Course could receive an insurance premium discount. He reviewed some of the items that the 55-Alive safety driving course offers. See Exhibit No. 5.

Joe Upshaw, AARP, Helena. He feels that this bill would provide an incentive to senior citizens to retain and improve their driving skills, and makes insured driving more affordable and available to those persons so that they can continue driving. He feels that the overall safety of the highways has improved since the start of the safe driving programs such as 55-Alive, and these people should be rewarded in making the highways safer.

Diane Sands, Executive Director, Women's Lobbyist Fund. The Women's Lobbyist Fund supports the underlying concept of HB 41 to base rates on a multiplicity of factors. This bill moves insurance rating closer to a system where an individual pays according to factors directly affecting the risk of an accident, such as passing a traffic safety course. They urge the committee to extend this benefit to all age categories. It is their belief that using mileage as the primary

factor in establishing auto insurance rates is the only true measure of risk. See Exhibit No. 6.

Louise Salo, representing the Governor's Advisory Council on Aging. The Council supports this bill, and suggested an amendment to broaden the bill to include all ages.

Tanya Ask, Montana Insurance Department, State Auditor's Office. She stated that on behalf of the Insurance Commissioner, the Insurance Department wishes to go on record as supporting this bill.

Wade Wilkinson, State Executive Director for Low Income Senior Citizen Advocates. Mr. Wilkinson stated that the group wishes to endorse this bill.

OPPONENTS

Randy Gray, Lobbyist, State Farm Insurance Company and National Association of Independent Insurers. Mr. Gray testified that the insurance industry is not opposed to safety driving programs, but are opposed to legislatively mandated rate reductions. He stated that the rating process is complex with a number of factors; the primary factors being that most accurately predict what the risk of loss is expected to be for any particular category of people. He further stressed that anytime the legislature or any administrative body steps into the insurance rating process and attempts to set the premiums by mandating an insurance reduction for a category of people, the response is an increase of rates for other people. He stated that most insurance companies have rate reductions for people over 50. He also was concerned about who was going to offer the safety driving courses, and said the insurance industry suggests that the courses be offered by the National Safety Council or by any other approved governmental agency, such as the Department of Justice, Safety Traffic Division. He also suggested an amendment that would allow the industry to take into account the statistical information that develops over a course of time to find out whether losses do go down because of people taking the courses, and base the premium reduction on that information. Other concerns he had were the cost for for taking the course, what the cost would be to the state, and that the provision included that if a discount would be allowed, the course would have to be taken every two years.

Glen Drake, American Insurance Association. He stated that this bill focuses on the wrong target, and the speakers have focused on the fact that safety driving courses are needed and beneficial, but the bill focuses on an insurance reduction, which really is an imaginary thing. He pointed out

that many companies give reduction rates for having taken a safe driving course, and the bill was not necessary.

There being no further discussion by proponents or opponents, the Chairman asked for questions by the committee.

QUESTIONS

Representative Swysgood asked Mr. Gray how many people would have to be part of this program and how much time would lapse before they would see a decrease in rates. Mr. Gray responded that those questions were actuarial questions which he could not answer, but felt that some time would need to lapse before insurance companies could really determine the information they would need to gather to determine what the rates should be.

Representative Swysgood further questioned regarding the reference made to the program for 16 year olds if these rates were mandatory or discretionary. Mr. Gray responded these rates were discretionary, and found that the insurance companies have been using the premium reduction incentive for young drivers who take the driver education courses because they found it makes a difference in the loss experience of young drivers.

Representative Simon asked if the insurance companies are gathering data on older citizens that are taking this type of course. Mr. Gray responded that they have information on loss experience based on age, and found that based on age alone, regardless of miles driven, the insurance companies are finding that people who are 55 and older, driving the same number of miles as younger people, have a lower claims experience.

Representative Simon asked Mr. Gray what his objection was since the bill states an appropriate discount, the insurance company could set any rate they wanted. Mr. Gray stated that that was why he suggested the language of "actuarially justified", because that leaves it to the loss experience of each company.

There were other questions directed to Mr. and Mrs. Shorey regarding the safety driving course.

CLOSING

In his closing statement, Representative Winslow stated that safety was the big factor, and felt that if the bill saved lives, it would save money. He said the bill does not pertain to the insurance companies that are already providing discounts for seniors; the bill is stating that for

those participating in a safety driving program they are recognized with an appropriate premium reduction. He further stated that this bill does not mandate the actual premium reduction, it is requesting that the insurance company participate by recognizing the people who participate in a program to become better drivers, and not those who are involved in accidents or convicted of a traffic violation.

There being no further discussion by proponents or opponents, the hearing on HB 41 was closed.

HOUSE BILL NO. 30 - Responsibilities of Beer Wholesaler introduced by Representative Les Kitselman. Representative Kitselman stated that the bill prohibits the transfer of beer between licensed premises.

PROPONENTS

Bill Watkins, General Salesmanager with Zip Beverage, and Vice-President of Beer and Wine Wholesalers, Missoula. He stated that the state law enacted in 1974 requires each brewery licensed to operate in Montana to appoint its wholesalers with the sole rights to distribute some or all of its brands of beer in a designated territory. Without the territorial franchise, quality control is impossible is impossible, he said, also the territorial responsibility system serves the public, but we need House Bill No. 30 to continue to provide a quality product to consumers. See Exhibit No. 1.

Don Brokopp, Intermountain Distributing, Billings. Mr. Brokopp gave a history of the 3-tier system in Montana of the beer industry. He felt that HB 30 will clarify the present law.

Ardelle Watkins, Gusto Distributors of Havre. Ms. Watkins stated that if legislators do not clarify the 1985 interpretation by the Department of Revenue, the wholesalers feel tht it will affect their territorial rights and eventually many of them will go out of business. See Exhibit No. 2.

Chuck Lee, Lee Distributing Company, Kalispell and Libby. Mr. Lee stated that his company serves 318 retailers in Flathead and Lincoln Counties, and they call on most of them at least once a week, and the rest on a bi-weekly or on call. He also included with his testimony a copy of their order form that the salesman uses which shows how they can offer the imported beers and other low-volume brands to each account as well as their main brands. See Exhibit No. 3 and 4.

good credit standing, a wholesaler in that territory can't refuse to sell to that retailer.

Representative Pavlovich further questioned regarding a strike situation, if the tavern is required to buy from the wholesaler in his community and cannot go anywhere else to buy. Mr. Tippy responded that the bill would prevent buying from anyone else. Also in response to Representative Pavlovich's question regarding whether a distributor was allowed to sell another brand of beer in Montana and the wholesalers in Montana did not want to accept that brand of beer. Mr. Tippy responded that anyone who qualifies and has a wholesaling license can start up a new business.

Other questions were asked regarding imported beer, distributorship, and the questions listed in Mr. Tippy's testimony.

CLOSING

Representative Kitselman stated in his closing statement that currently there are approximately 600 employees in this distribution center, and with this legislation, it will help preserve these jobs, at least for the next biennium. He stated that there were differences in the retailers including personality conflicts, but there are mechanisms by which an individual can get the products they want.

EXECUTIVE ACTION - January 7, 1987 - 11:00 a.m.

ACTION ON HOUSE BILL NO. 41

Representative Cohen moved that House Bill No. 41 DO PASS.

A substitute motion that House Bill 41 DO NOT PASS was made by Representative Wallin.

Representative Brandewie moved to amend House Bill No. 41 as follows: on page 1, line 22, strike "appropriate" and replace with "actuarially justified". The motion carried unanimously.

Representative Pavlovich moved to further amend the bill as follows: on page 2, line 5 and line 25, instead of "3 years" insert "2 years". The motion carried with Representative Cohen voting against.

Representative Wallin moved that House Bill No. 41 DO NOT PASS AS AMENDED. The motion failed.

Representative Thomas moved to amend House Bill No. 41 to make it apply to all ages instead of limiting it to 55 years and older. The motion failed.

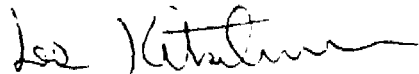
The motion by Representative Cohen that House Bill No. 41 DO PASS AS AMENDED was voted on. The motion carried with Representatives Thomas, Wallin and Grinde voting against.

ACTION ON HOUSE BILL NO. 30

No action taken.

ADJOURNMENT

The meeting adjourned at 11:30 a.m.

A handwritten signature in cursive script, appearing to read "Les Kitselman", written over a horizontal line.

Rep. Les Kitselman, Chairman

STANDING COMMITTEE REPORT

JANUARY 7

19 87

Mr. Speaker: We, the committee on BUSINESS AND LABOR

report HOUSE BILL NO. 41

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

REP. LES KITSelman

Chairman

CREATE MATURE DEFENSIVE DRIVING ACT: REDUCE PREMIUM RATES OVER AGE 55

AMENDMENTS AS FOLLOWS:

1) Page 1, line 9

Following: "A"

Strike: "3-YEAR"

Insert: "2-YEAR"

2) Page 1, line 22

Following: "an"

Strike: "appropriate"

Insert: "actuarially justified"

3) Page 2, line 5

Following: "•"

Strike: "3-YEAR"

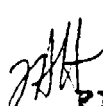
Insert: "2-YEAR"

4) Page 2, line 25

Following: "every"

Strike: "3"

Insert: "2"

 FIRST

WHITE

reading copy ()
color

WITNESS STATEMENT

51
1/7/87
41

NAME Lars Sherry BILL NO. ^{H.B.} 41
ADDRESS 2115 Dahlia Lane Billings Mt DATE 1-7-1987
WHOM DO YOU REPRESENT? ARRP - Area II
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Written statement attached

HB 41 MATURE DRIVING BILL

Business and Labor Committee
Chairman - Rep. Les Kitselman
Sponsor - Rep. Cal Winslow
Co-Sponsor - Sen. Dorothy Eck

My name is Lois C. Shorey and I live at 2115 Dahlia Lane, Billings, Montana. I am an unpaid full time volunteer in the senior movement. At present I am the State Coordinator for the American Association of Retired Persons in the 55/ALIVE Mature Driving Program. I have been involved in Legacy Legislature since it's inception, and serve as an Information and Referral Technician for the State Unit on Aging in an unpaid basis. Today, I speak in behalf of all the seniors in Montana who are still driving their cars and remaining independent as long as physically possible.

Seniors now constitute 24% of the drivers and the number is growing because of demographics and the graying of the population. There are many driving courses in the nation but ours is the only one geared to the elderly driver. Driver retraining for the senior takes into consideration, the normal related physical changes due to aging, and the advances in educational material which enables them to compensate for old age changes. The course touches on physical changes, characteristics and accident experiences of the older driver, common hazards encountered, rules of the road, some freeway driving, effects of alcohol and medication, adverse driving conditions, defensive driving, and many other issues. A law similar to this bill is in effect in 20 other states and Washington D. C. The latest state to pass such a law was California. 55/ALIVE helped to bring the needs of the older driver to public recognition and served as a basis for legislation to attain insurance discounts on auto premiums for graduates of the retraining classes. The course we offer has been subjected to stringent evaluations by many organizations and in particular by the United States Dept. of Transportation. The material is taught by certified volunteer instructors, keeping the cost to a minimum and affordable to all seniors.

Most of the seniors learned to drive forty to fifty years ago and have had no formal instruction. The purpose of this bill is to give seniors a small economic incentive to come to the classes for the purpose of being better older drivers.

In the past, older drivers did not receive attention because there were not enough of them and the transportation system was less complex. While the current concern is most sobering, it is a healthy sign that we are interested. It is time we recognize that all of us can do things to lessen some of the problems of the elderly driver and make the roads safer for drivers of all ages. The system we have now was designed for younger drivers with faster perception ability, but with the greater number of seniors driving, more attention must be paid to them. The myth that older people cannot learn has been dispelled by research. They can still learn if relatively healthy and if motivated. In our huge state and with the lack of public transportation, it is imperative that our older citizens remain independent and able to drive as long as possible.

This bill would require that any insurance company doing business in the State of Montana would grant a suitable discount to any older citizen who takes the driver training course. Many insurance companies now grant a discount to seniors that is built into their rates. By the same token, many companies are not even writing policies for the older driver, or cancelling their coverage because of age. We are requesting the same discount now granted to 16 year old drivers who take a driver education course. Many direct writers of insurance are now capturing the older market with good results. We would like this business to remain in Montana, keeping insurance dollars and insurance jobs in the state.

If we can retrain the older driver by granting a small economic incentive, everyone wins. The senior remains independent and driving, the company has fewer claims, the accident statistics go down, many serious injuries avoided and lives would be saved.

There would be no fiscal impact on this bill.

Thank you.

WITNESS STATEMENT

#2
1/7/37
41

NAME Col. R.W. Hanson BILL NO. 41

ADDRESS Montana Highway Patrol DATE 1-7-37

WHOM DO YOU REPRESENT? _____

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Senior drivers need to drive in Montana because of the lack of public transportation.

as we grow older we need to re-examine our "driving attitudes" and learn how to compensate for the normal losses accompanying aging.

anytime society can get the senior driver in the class soon to learn how to cope with change it will save many people from being involved in collisions.

In my opinion, by giving a financial incentive to seniors to attend driver training classes will benefit all Montanans.

Thank you

Also believe this has an opportunity
and an incentive to become a public utility.
Also believe it brings an opportunity for
the State to improve the annual
average drinking performance of state
drinks.

3 The bill offers since the
opportunity to use their more
limited resources to improve their
own economic standing at no
cost to government.

Also believe that passage of this
legislation from this committee
will be a first step in mandating
improved coverage of alcohol (RAT).

In the long run, should this
bill become law it will
prove profitable to those
who may object to its passage.

We appreciate your reading our
opinion on it B.H. and encourage
a yes vote after consideration.

SOME POINTS TO BE CONSIDERED FOR THE MATURE DRIVING BILL

#4
11/2/87
41

Demographics: In Montana there are 131,000 persons over the age of 60. With increased longevity for the elderly of our nation, the elder population of Montana is expected to continue to grow steadily. During the years 1980-1984, our population aged 60 plus realized a 9.8 percent increase. The latest census data indicate that this same age group of 60 plus constitutes 15.9 percent of Montana's total population and 24 percent of the total number of drivers.

Various national safety surveys point out that a significant segment of the population is not having its needs met. Driver improvement programs of a generic nature do not meet the criteria. The alternatives for older persons are reliance on relatives and friends, public transportation, or vehicles for hire. All of these fall far short of accomplishing the goal of independence and mobility for nearly one-fourth of our population. A retraining program is not the end of driver education; it is the beginning.

Motivation: Studies indicate that while older people are less motivated than younger people to take on a learning task, they will learn what is meaningful to them (from Calhoun & Gaunard, 1979). Other researchers (Davis, 1981) defined meaningfulness for older learners to be that which is concrete and oriented to reality. To be moved to voluntarily attend driver training or retraining, older drivers must be convinced it has value for them, (i.e. an economic incentive.)

Informational and Educational Needs: Older drivers need to be kept abreast of changes and new developments in highway design, environmental controls, laws and regulations, and vehicle design. Up to now, elder-driver improvement activities have been developed more from a punitive point of view: restrict the elderly rather than help them to improve their performance.

Summary: (Quotes from "Needs and Problems of Older Drivers. 1985).

Older drivers appear to be a sufficiently educable and receptive audience for more tangible coping mechanisms. They indicated a willingness to learn and to apply updated driving knowledge and skills. For example, older drivers would be willing to

participate in classroom driver education and in-car driver training courses as well as to try innovations in automobile design.

Older drivers are well enough off to afford the initial purchase of an automobile. However, they are concerned with automobile insurance claims and premiums. Professionals working in this and other fields should be trained in understanding and serving the special needs and problems of older drivers.

The majority of older drivers (78 percent) think the national maximum speed limit of 55 MPH is just right. However, in view of their higher vulnerability to injury and protracted recovery from it, it is unfortunate that a larger percentage of older drivers do not always wear their seatbelts.

Although many elder drivers said that they would no longer wish to be able to drive at about age 80, elder drivers also said that no specific age requirements should be applied for driver licensing renewal through reexamination.

Methods are needed for identifying incompetent drivers, without unduly penalizing others.

Ref: Ladd S. Shorey, Area Field Coordinator, AARP, 2115 Dahlia Lane, Billings, Mt.

WITNESS STATEMENT

NAME EDWARD C. BULLER BILL NO. H.B. 41

ADDRESS 1116 - 2nd ave So #4 DATE 1-7-87

WHOM DO YOU REPRESENT? AARP 57ALIVE MATURED R

SUPPORT YES OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



My name is Edward C. Buller, Ph. 761-0591, 1110 2nd Ave. So. # 4,
Great Falls, Mt. 59405

I'm Asst. State Coordinator, for Montana AARP 55/Alive Mature
Driving.

We recommend to pass H.B.41, to give older people insurance
discount, when they take Traffic Safety Course.

Research indicates that older persons can improve their driving
abilities through additional training, attention, and practice,
enabling them to maintain their driving licenses longer while
driving safer.

If these people spend time and money to take a safety course to
be better drivers, there should be a reduced insurance rate
for these people.

THE COURSE GIVES----- Accident prevention measures and the effect
of adverse driving conditions such as night, inclement weather
and rush hour driving are considered. Discussion of other road
users spotlights pedestrians, bicycles, trucks, motorcycles, towed
vehicles, and stray animals. Proper techniques for handling
unexpected driving emergencies are reviewed. Fuel economy measures
are recommended. The proper way to maintain your automobile
is discussed.

These are just a few items that are given in the course.

Please mail this card to
the volunteer listed below:



EDWARD C. BULLER
PHONE: 761-0591
1110 - 2nd AVE. SO. # 4
GREAT FALLS, MT. 59405

Mature Driving

*A Unique Program
for Older Drivers*

or to:

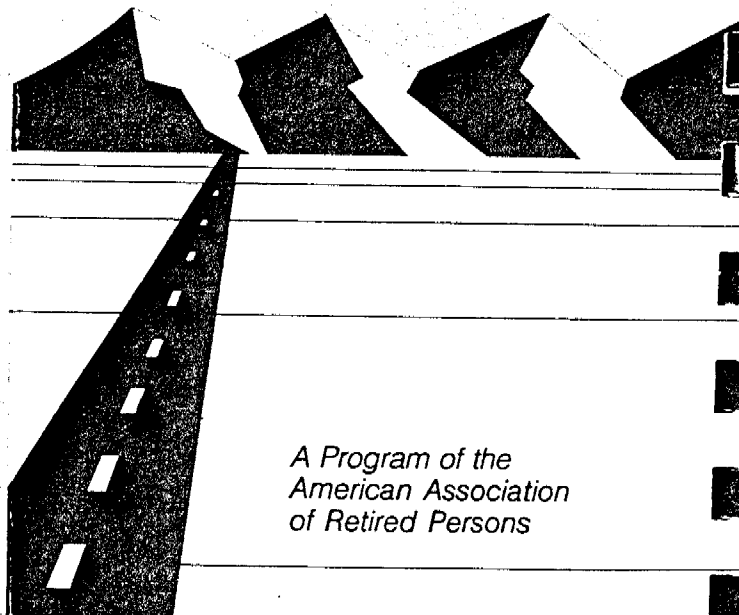
55 ALIVE/MATURE DRIVING

AARP
Program Department
1909 K Street, N.W.
Washington, DC 20049



American Association
of Retired Persons

PF2615(984)



*A Program of the
American Association
of Retired Persons*

Can You Answer These?

How does the aging process affect your driving ability?

What is the recommended way to determine safe following distance?
(Hint: It's not the car-length formula)

Which drugs and medications could cause problems for you behind the wheel?

What are the recommended ways to help you see and be seen on the road?

When are you expected to yield the right-of-way?

How can you best respond to adverse driving conditions, such as snow, ice, rain, fog and dark of night?

Where are the danger spots on a parking lot?

At what temperature is an icy road most slippery?

How can you compensate for blind spots in your own and others' vehicles?

What are the recommended ways to compensate for hearing loss when driving? (1/3 of drivers 55 and older experience this.)

How does the narrowing peripheral vision and declining depth perception that we all acquire with age affect situations in the driving environment?

What driving situations are most endangered by the slowed reaction times that accompany aging?

What are the safety rules for making a left turn?
(The second most common violation of older drivers).

Why do drivers aged 55 and over have more accidents per mile driven than drivers aged 30 to 54?

How should you handle right-of-way situations, the number one problem area for drivers aged 55 and over?

55 ALIVE **Mature Driving Can!**

55 ALIVE **Mature Driving is:**

Eight hours of classroom instruction that refine existing skills and develop safe, defensive driving techniques. Produced by the American Association of Retired Persons (AARP) and conducted throughout the country in two half-day sessions, 55 ALIVE teaches preventive measures to use when driving that save lives. We believe strongly in the individual and community benefits that come from this course.

We Are:

A nationwide network of trained volunteer Instructors, numbering in the thousands, who are concerned about safety on the road. AARP provides the program and its materials, we provide the instruction. It's an opportunity for us to help our peers handle adverse driving conditions and traffic hazards, in addition to learning about the effects of aging and medications on driving. So there is more to it than just the rules of the road, although they're covered as well.

Are You Interested?

If you're 50 or older and want to take the course, fill in the spaces below and return this to either the volunteer listed on the back panel of this brochure, or to AARP 55 ALIVE/MATURE DRIVING, 1909 K St., N.W., Washington, DC 20049. We'll let you know when the next course is available.

I am interested in participating in a 55 Alive/Mature Driving Course.

Please print

Name _____

Address _____

City _____

State _____ ZIP _____

County _____

Telephone () _____

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449 7917



#6
1/7/87
41

January 7, 1987

Mr. Chairman and members of the committee:

My name is Diane Sands and I am Executive Director of the Women's Lobbyist Fund.

The Women's Lobbyist Fund supports the underlying concept of HB41 to base rates on a multiplicity of factors. By allowing for a reduction in premiums for the successful completion of a traffic safety program, HB41 moves insurance rating one step closer to a system where an individual pays according to factors that directly affect the risk of an accident. Passing a traffic safety course is one such example.

Unfortunately, HB41 offers this reduction only to a limited number of Montanans. Why not give all Montanans the opportunity to be charged according to the decisions they make regarding their level of risk? Why not reward everyone who chooses to make themselves safer drivers by attending classes or driving less? We urge the committee to extend this benefit to all age categories.

Furthermore, we would like to suggest to the committee that age is not the factor here. In fact, age is a stand-in for mileage driven. Mileage driven by seniors decreases significantly between the ages of 40 and 50, and even more so at the age of 65. It is our belief that using mileage as the primary factor in establishing auto insurance rates is the only true measure of risk.

BILL NO. HB 41

DATE January 7, 1987

SPONSOR Representative Cal Winslow

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Lois Shorey	2115 DAHLIA BILLINGS, MT.	✓	
LADD S. SHOREY	2115 DAHLIA LN. BILLINGS, MT. 59102	YES	
ED C. BULLER	1118 - 2nd ave So 1st 4 Great Falls, MT	YES	
John R. L. Gannon	See below	✓	
Lois K. McMeekin	P.O. Box 1020, Helena, 59624	✓	
Paul F. McMeekin	P.O. Box 1020, Helena, 59624	✓	
Emmet Hansen	1400 Highland	✓	
Fred Patton	1700 Knight	✓	
Owen Warren	1257 Brockbridge	✓	
William R. Smith	Highway Traffic Safety - Justice Dept	✓	
Tom Ryan	50105 Helena	✓	
Robert J. Wilcox	55 Mature Driving	✓	
John Wilson	Helena AARP	✓	
Joseph Wilson	MT Insurance Dept	✓	
Marion Homer	2021 Locke Helena	✓	
Paula Sals	1108 Chaucer Helena	✓	
Joe Sals	1108 Hansen Helena	✓	
Randy Gray	P.O. Box 2885 Great Falls State Farm, N.A.I.F.		✓
Jackie Gaudin	457 Vista Helena, Helena End		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

BUSINESS AND LABOR

BILL NO. HB 41

DATE JANUARY 7, 1987

SPONSOR Rep. Cal Winslow

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

DAILY ROLL CALL

BUSINESS & LABOR

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date JANUARY 8, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. LES KITSELMAN, CHAIRMAN	✓		
REP. FRED THOMAS, VICE-CHAIRMAN	✓		
REP. BOB BACHINI	✓		
REP. RAY BRANDEWIE	✓		
REP. JAN BROWN	✓		
REP. BEN COHEN	✓		
REP. JERRY DRISCOLL	✓		
REP. WILLIAM GLASER	✓		
REP. LARRY GRINDE	✓		
REP. STELLA JEAN HANSEN	✓		
REP. TOM JONES	✓		
REP. LLOYD MCCORMICK	✓		
REP. GERALD NISBET	✓		
REP. BOB PAVLOVICH			✓
REP. BRUCE SIMON	✓		
REP. CLYDE SMITH			✓
REP. CHARLES SWYSGOOD	✓		
REP. NORM WALLIN	✓		

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

February 6, 1987

The sixteenth meeting of the Business and Industry Committee was called to order by Chairman Allen C. Kolstad at 10 a.m. on Monday, February 6, 1987, in Room 410 of the Capitol.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL 194: Rep. Joan Miles, District 45, Helena, sponsor of the bill, stated that this bill does away with the requirement in the laws on all-beverage licenses that the Department of Health and Environmental Sciences approve a catering endorsement to a license and a special permit to sell beer and wine at special events.

PROPOSERS: Tom Mulholland, Department of Revenue, expressed support for the bill after reviewing it.

OPPOSERS: There were no opposers.

DISCUSSION OF HOUSE BILL NO. 194: Chairman Kolstad called for questions from the committee.

Chairman Kolstad questioned Rep. Miles about the new section removing the extension of authority and asked the reason for so doing. She replied that during the House hearing they decided that nothing needed to be changed.

DISPOSITION OF HOUSE BILL NO. 194: Sen. Boylan MOVED that HB 194 BE CONCURRED IN, seconded by Sen. Walker. The MOTION PASSED UNANIMOUSLY. Sen. Boylan will carry the bill in the Senate.

CONSIDERATION OF HOUSE BILL NO. 41: Rep. Cal Winslow, chief sponsor of the bill, said that this bill requires that a liability and collision insurer provide a premium rate reduction to mature drivers (55 years or older) who meet certain eligibility requisites. To qualify, the older driver must successfully complete an approved highway traffic safety program. The reduced rate is effective for two years. The insurer may require, as a condition of maintaining the discount, that the driver not be involved in an accident for which he is at fault and not be convicted of, or forfeit bail for, a moving traffic violation. The discount is not applicable if the driver takes the approved safety course as punishment directed by a court or other governmental entity.

PROPOSERS: Col. R.W. Landon, Chief of Montana Highway Patrol, pointed out that the seniors need to drive but need to be

reminded of their limitations. The financial incentives in this bill will encourage the seniors to come back to the classroom and learn how to compensate for their losses and we'll all benefit. He said he found the AARP instructor's manual very professional. Col. Landon also submitted written testimony. (EXHIBIT 1)

Lois C. Shorey, Billings, State Coordinator for the AARP in the 55/ALIVE Mature Driving Program, supported the bill and submitted written testimony. (EXHIBIT 2)

Ladd Shorey, Billings, also supported HB 41 and submitted written testimony. (EXHIBIT 3)

Joe Upshaw, State Chairman of the AARP Legislative Committee, submitted EXHIBIT 4.

Elmer Hausken, Helena, volunteer registered lobbyist for AARP and a Senator in the Legacy Legislature, submitted written testimony. (EXHIBIT 5)

Fred Patten, President of Local Chapter #3536, AARP, presented his written support. (EXHIBIT 6)

Further proponents who briefly supported the bill were Bill Elliott, Highway Traffic Safety, Tanya Ask, Montana Insurance Department and Wade Wilkison, LISCA.

OPPONENTS: There were no opponents.

DISCUSSION OF HOUSE BILL NO. 41: Chairman Kolstad asked for questions from the committee and Sen. Williams asked if the test that is given has any bearing on the person receiving their license, to which the reply was that it did not.

Sen. Weeding asked Rep. Winslow if there would be an incentive and Ms. Ask replied that there would be a deduction in premium for successfully completing the program. If no reduction was offered the company would be in violation of state law and they could be censured either by an administrative fine or something similar.

Chairman Kolstad asked Ms. Ask if the rates are currently higher for senior citizens. Ms. Ask replied that she had checked with State Farm Insurance and they, as a general rule, automatically write senior drivers at 90% of their regular rate.

Sen. Neuman asked Ms. Ask if the companies are required to offer a lower rate for people who take this course as their profits are figured actuarially on all drivers, will they increase the premiums that others pay to offset the decrease that the seniors would receive. Ms. Ask referred to the next section

and said that this discount does not have to be offered if that driver is not a safe driver. He may have successfully completed the course but might have some motor vehicle violations or at-fault accidents, therefore, he would not be offered the deduction. Drivers are rated in groups.

Sen. Neuman then asked if the program is good for those over 55, why would it not be good for those under 55. Why shouldn't insurance companies be required to offer reductions for everyone who completes the course? Rep. Winslow replied this was discussed in the House and said the physical reactions change with age. This reduction only stays in place if they continue the safe driving course every two years.

Ms. Ask stated that over 55 the reaction time is slower and for most of them it has been a number of years since they did anything about improving their driving skills. This is just an option to take a safe driving class; it is not mandated.

Sen. McLane asked what size discount would they be looking at. Mr. Shorey responded any discount that would be appropriate for the insurance company's actuarial tables but most insurance associations have indicated anywhere from 1-10%, which would be an incentive to take the course.

Chairman Kolstad asked about the charge for taking the course. Mr. Shorey replied that over the United States the course is \$7; the actual course costs \$22 to the Association and they make up the difference.

Sen. Hager asked how long this test has been available, and Mrs. Shorey responded that it has been since 1979.

Sen. Hager asked for an explanation on the 55 age because 65 is usually the retirement age. Mr. Shorey responded that tests show that the earlier you can catch them for training the better it is. Seniors are educable but they want practicum; the age is set by the individual states.

In closing, Rep. Winslow stated that this is a preventive measure that is an important issue. He reminded them that it is a voluntary course and provides incentives for seniors.

DISPOSITION OF HOUSE BILL NO. 41: Sen. Weeding MOVED HB 41 BE CONCURRED IN, seconded by Sen. Walker. Sen. Neuman asked if there was possibly a constitutional issue such as age discrimination. He also said that just because one attended the course does not make him a better driver. Col. Landon responded there is a participating examination and pointed out that the course deals with attitudes toward driving plus the limitations that occur in that age group, however, there is no written examination following the course. The question being called, the MOTION PASSED UNANIMOUSLY.

Business & Industry COMMITTEE
50th LEGISLATIVE SESSION -- 1987

Friday
Date 2/6/87

NAME	PRESENT	ABSENT	EXCUSED
ALLEN C. KOLSTAD, CHAIRMAN	✓		
TED NEUMAN, VICE CHAIRMAN	✓		
PAUL BOYLAN	✓		
TOM HAGER	✓		
HARRY H. MCLANE	✓		
DARRYL MEYER	✓		
GENE THAYER	✓		
MIKE WALKER	✓		
CECIL WEEDING	✓		
BOB WILLIAMS	✓		

Each day attach to minutes.

2/6/87

Business & Industries

0

(Please leave prepared statement with Secretary)

NAME: Paul R.W. Landon DATE: 2-6-87

ADDRESS: Highway Patrol

PHONE: 444-3780

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 1

DATE 2/6/87

BILL NO. HB 41

REPRESENTING WHOM? Highway Patrol

APPEARING ON WHICH PROPOSAL: HB 41

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Seniors need to drive to remain independent
and self supporting. We have very little public
transportation in Montana.

Seniors need to be reminded of their
limitations and learn how to compensate for
that loss.

The AARP instruction program does that. I
have reviewed the instructor's manual and find
it very professional.

The financial incentives in this bill will
motivate the seniors to come back to the class-
room.

We strongly support this positive legislation.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 2DATE 2/6/87BILL NO. HB 41

February 6, 1987

HB 41 MATURE DRIVING BILL

Business and Labor Committee
Chairman-Senator Allen C. Kols
Sponsor-Rep. Calvin Winslow
Co-sponsor-Senator Harry H. "Doc"
McLane

My name is Lois C. Shorey and I live at 2115 Dahlia Lane, Billings, Montana. I am an unpaid full time volunteer in the senior movement. At present I am the State Coordinator for the American Association of Retired Persons in the 55/ALIVE Mature Driving Program. I have been involved in Legacy Legislature since it's inception, and serve as an Information and Referral Technician for the State Unit on Aging in an unpaid basis. Today, I speak in behalf of all the seniors in Montana who are still driving their cars and remaining independent as long as physically possible.

Seniors now constitute 24% of the drivers and the number is growing because of demographics and the graying of the population. There are many driving courses in the nation but ours is the only one geared to the elderly driver. Driver retraining for the senior takes into consideration, the normal related physical changes due to aging, and the advances in educational material which enables them to compensate for old age changes. The course touches on physical changes, characteristics and accident experiences of the older driver, common hazards encountered, rules of the road, some freeway driving, effects of alcohol and medication, adverse driving conditions, defensive driving, and many other issues. A law similar to this bill is in effect in 20 other states and Washington D. C. The latest state to pass such a law was California. 55/ALIVE helped to bring the needs of the older driver to public recognition and served as a basis for legislation to attain insurance discounts on auto premiums for graduates of the retraining classes. The course we offer has been subjected to stringent evaluations by many organizations and in particular by the United States Dept. of Transportation. The material is taught by certified volunteer instructors, keeping the cost to a minimum and affordable to all seniors.

Most of the seniors learned to drive forty to fifty years ago and have had no formal instruction. The purpose of this bill is to give seniors a small economic incentive to come to the classes for the purpose of being better older drivers.

In the past, older drivers did not receive attention because there were not enough of them and the transportation system was less complex. While the current concern is most sobering, it is a healthy sign that we are interested. It is time we recognize that all of us can do things to lessen some of the problems of the elderly driver and make the roads safer for drivers of all ages. The system we have now was designed for younger drivers with faster perception ability, but with the greater number of seniors driving, more attention must be paid to them. The myth that older people cannot learn has been dispelled by research. They can still learn if relatively healthy and if motivated. In our huge state and with the lack of public transportation, it is imperative that our older citizens remain independent and able to drive as long as possible.

This bill would require that any insurance company doing business in the State of Montana would grant a suitable discount to any older citizen who takes the driver training course. Many insurance companies now grant a discount to seniors that is built into their rates. By the same token, many companies are not even writing policies for the older driver, or cancelling their coverage because of age. We are requesting the same discount now granted to 16 year old drivers who take a driver education course. Many direct writers of insurance are now capturing the older market with good results. We would like this business to remain in Montana, keeping insurance dollars and insurance jobs in the state.

If we can retrain the older driver by granting a small economic incentive, everyone wins. The senior remains independent and driving, the company has fewer claims, the accident statistics go down, many serious injuries avoided and lives would be saved.

There would be no fiscal impact on this bill.

Thank you.

(This sheet to be used by those testifying on a bill.)

NAME: Louis B. Shorey DATE: Feb 6, 1987

ADDRESS: 2115 Dahlia Lane Billings, Mont

PHONE: 252-2563

REPRESENTING WHOM? The Defense Driving Program from AARP

APPEARING ON WHICH PROPOSAL: H.B. 41- Mature Driving Act

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT: I speak in support of this bill. It is a fact
of life that we have many physical changes as
we grow older. Our course is to teach the ^{elderly} ~~elderly~~
how to cope better with their aging and remain
driving as long as possible in a safe manner.
It takes an incentive to get that senior who has
driven for 50 years into a safe driving class. This
is no different than the many discounts that insurance
companies already give for non smokers, seat belt
wearers, people who reach a certain age, high school
students who take a similar course, two car households
etc. By taking the course, the elderly driver has
taken a positive step for his safety and that
of the general public also. This is a prime
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

et ample of seniors helping other seniors.
There is no fiscal impact to the state.
We ask for your support and thank you
for listening.

NAME: LADD S SHOREY DATE: FEB 6, 1987

ADDRESS: 2115 DAHLIA LN. Billings, MT SENATE BUSINESS & INDUSTRY

PHONE: (406) 252-2563 EXHIBIT NO. 5
DATE 2/6/87

REPRESENTING WHOM? AMER ASSN OF RETIRED People

APPEARING ON WHICH PROPOSAL: HB-41

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: See Attached Testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SOME POINTS TO BE CONSIDERED FOR THE MATURE DRIVING BILL NO. 3

DATE 2/6/82
BY 7/8/82

Demographics: In Montana there are 131,000 persons over the age of 60. With increased longevity for the elderly of our nation, the older population of Montana is expected to continue to grow steadily. During the years 1980-1984, our population aged 60 plus realized a 9.8 percent increase. The latest census data indicate that this same age group of 60 plus constitutes 15.9 percent of Montana's total population and 24 percent of the total number of drivers.

Various national safety surveys point out that a significant segment of the population is not having its needs met. Driver improvement programs of a generic nature do not meet the criteria. The alternatives for older persons are reliance on relatives and friends, public transportation, or vehicles for hire. All of these fall far short of accomplishing the goal of independence and mobility for nearly one-fourth of our population. A retraining program is not the end of driver education; it is the beginning.

Motivation: Studies indicate that while older people are less motivated than younger people to take on a learning task, they will learn what is meaningful to them (from Calhoun & Gaunard, 1979). Other researchers (Davis, 1981) defined meaningfulness for older learners to be that which is concrete and oriented to reality. To be moved to voluntarily attend driver training or retraining, older drivers must be convinced it has value for them, (i.e. an economic incentive.)

Informational and Educational Needs: Older drivers need to be kept abreast of changes and new developments in highway design, environmental controls, laws and regulations, and vehicle design. Up to now, older-driver improvement activities have been developed more from a punitive point of view: restrict the elderly rather than help them to improve their performance.

Summary: (Quotes from "Needs and Problems of Older Drivers. 1985).

Older drivers appear to be a sufficiently educable and receptive audience for more tangible coping mechanisms. They indicated a willingness to learn and to apply updated driving knowledge and skills. For example, older drivers would be willing to

participate in classroom driver education and in-car driver training courses as well as to try innovations in automobile design.

Older drivers are well enough off to afford the initial purchase of an automobile. However, they are concerned with automobile insurance claims and premiums. Professionals working in this and other fields should be trained in understanding and serving the special needs and problems of older drivers.

The majority of older drivers (78 percent) think the national maximum speed limit of 55 MPH is just right. However, in view of their higher vulnerability to injury and protracted recovery from it, it is unfortunate that a larger percentage of older drivers do not always wear their seatbelts.

Although many older drivers said that they would no longer wish to be able to drive at about age 80, older drivers also said that no specific age requirements should be applied for driver licensing renewal through reexamination.

Methods are needed for identifying incompetent drivers, without unduly penalizing others.

HB-41, the Mature Defensive Driving Act was passed by the House of Representatives by a vote of 90 to 8 and has been sent to your Senate Committee for consideration. This same bill is also now being considered in Montana's sister states of South Dakota and Utah with hope of becoming law. It is my hope, and the hope of many of the mature citizens that I speak for here today, that this bill will receive your careful consideration and favorable vote. Thank you.

Ref: Ladd S. Shorey, Area Field Coordinator, AARP, 2115 Dahlia Lane, Billings, Mt.

(This sheet to be used by those testifying on a bill.)

NAME: Joseph W. Upshaw

DATE: 2/6/87
SENATE BUSINESS & INDUSTRY

ADDRESS: 2116 Highland

EXHIBIT NO. 4

PHONE: 442-5756

DATE: 2/6/87

BILL NO. HB 41

REPRESENTING WHOM? American Assoc of Retired Persons

APPEARING ON WHICH PROPOSAL: HB 41

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENT: I Hal Joe Upshaw, appearing as Chairman of
the American Assoc of Retired Persons, Legislative Committee.
We, as an organization wholeheartedly support this bill. ^{STATE} #1
and I think that the merits of this bill have been
thoroughly explained by those appearing before me. so I will close
by asking you to favorably consider this legislation.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: ELMER HAUSER DATE: 6/7/87

ADDRESS: 1100 HIGHLAND, HELENA, MT

PHONE: 442-2319

REPRESENTING WHOM? AARP

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 5

DATE: 2/6/87

APPEARING ON WHICH PROPOSAL: HB 41

BILL NO. 2341

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: I AM AN UNPAID VOLUNTEER REGISTERED
LOBBYIST FOR THE AMERICAN ASSOCIATION OF
RETIRED PERSONS. I AM ALSO A SENATOR IN
THE LEGACY LEGISLATURE THAT APPROVED
HB 41 IN ITS SESSION IN SEPT 1986

I URGE YOU TO PASS THE DEFENSIVE DRIVING
TRAINING BILL. RISKS ARE LOWERED
WHEN PEOPLE ARE REMINDED OR REFRESHED
OF THE RULES OF DRIVING AT ANY
AGE. YOUR OWN LIFE MAY BE SAVED!
THANK YOU FOR PASSING HB 41

Elmer Hauser
AARP

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

February 6, 1937

MR. PRESIDENT

We, your committee on **BUSINESS & INDUSTRY**

having had under consideration **HOUSE BILL** No. **41**

Third reading copy (**blue**)
color

WINSLOW (MC LANE)

CREATE MATURE DEFENSIVE DRIVING ACT; REDUCE PREMIUM RATES OVER AGE 55

Respectfully report as follows: That **HOUSE BILL** No. **41**

BE CONCURRED IN

XXXXXX
DO PASS

XXXXXXXXXX
DO NOT PASS

Kolstad
SENATOR KOLSTAD,

Chairman.

1 HOUSE BILL NO. 41
2 INTRODUCED BY WINSLOW
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ANY
5 RATES, RATING SCHEDULES, OR RATING MANUALS FOR LIABILITY,
6 BODILY INJURY, OR COLLISION COVERAGES OF A MOTOR VEHICLE
7 INSURANCE POLICY FILED WITH THE INSURANCE DEPARTMENT MUST
8 PROVIDE FOR AN APPROPRIATE REDUCTION IN PREMIUM RATES FOR
9 SUCH COVERAGES FOR A 3-YEAR PERIOD AFTER SUCCESSFUL
10 COMPLETION OF AN APPROVED HIGHWAY TRAFFIC SAFETY PROGRAM BY
11 AN INSURED WHO IS 55 YEARS OF AGE OR OLDER; AND AMENDING
12 SECTION 33-16-203, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 NEW SECTION. Section 1. Short title. [Sections 1
16 through 6] may be cited as the "Mature Defensive Driving
17 Act".

18 NEW SECTION. Section 2. Requirement for rate
19 reduction. (1) Any rates, rating schedules, or rating
20 manuals for liability, bodily injury, or collision coverages
21 of a motor vehicle insurance policy filed with the insurance
22 department must provide for an appropriate premium reduction
23 for an insured operator of a covered vehicle who is 55 years
24 of age or older and who has successfully completed a highway
25 traffic safety program as provided by 61-2-102 and 61-2-103.

1 (2) Such reduction is presumed appropriate unless
2 credible data demonstrates otherwise.

3 NEW SECTION. Section 3. Effective period of
4 reduction. (1) The premium reduction required by [section 2]
5 is effective for an insured for a 3-year period after
6 successful completion of the approved course.

7 (2) An insurer may require, as a condition of
8 maintaining the discount, that the insured:

9 (a) not be involved in an accident in which he is at
10 fault;

11 (b) not be convicted of or plead guilty or nolo
12 contendere to a moving traffic violation; or

13 (c) not have forfeited bail or collateral for a moving
14 traffic violation.

15 NEW SECTION. Section 4. Certificate. The organization
16 offering the approved course shall issue a certificate to
17 each person who successfully completes the course, which
18 qualifies him for the premium discount required by [section
19 2].

20 NEW SECTION. Section 5. When discount not applicable.
21 The provisions of [section 2] do not apply if the approved
22 course is taken as punishment specified by a court or other
23 governmental entity for a moving traffic violation.

24 NEW SECTION. Section 6. Continued eligibility. Each
25 person shall take an approved course every 3 years in order

1 to continue to be eligible for the reduction in premium
2 required by [section 2].

3 Section 7. Section 33-16-203, MCA, is amended to read:

4 "33-16-203. Rates filed. (1) Every insurer, rating
5 organization, or advisory organization shall file with the
6 commissioner all rates intended for use within this state,
7 together with supporting data sufficient to substantiate
8 such filing. The filing required by this subsection may be
9 made by rating organizations on behalf of their members and
10 subscribers; but this provision does not prohibit a member
11 or subscriber from filing any such rates on its own behalf.
12 Any deviations from a rating organization's rates by a
13 member or subscriber must be filed with the commissioner and
14 must be accompanied by supporting data.

15 (2) In accordance with [section 2], rates filed must
16 provide for a premium reduction to qualified insured
17 operators 55 years of age or older."

18 NEW SECTION. Section 8. Codification instruction.
19 Sections 1 through 6 are intended to be codified as an
20 integral part of Title 33, chapter 16, part 2, and the
21 provisions of Title 33, chapter 16, part 2, apply to
22 sections 1 through 6.

23 NEW SECTION. Section 9. Severability. If a part of
24 this act is invalid, all valid parts that are severable from
25 the invalid part remain in effect. If a part of this act is

1 invalid in one or more of its applications, the part remains
2 in effect in all valid applications that are severable from
3 the invalid applications.

-End-